



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 25, 1996

Mr. Norbert J. Hart  
Assistant City Attorney  
P.O. Box 9277  
Corpus Christi, Texas 78469-9277

OR96-1759

Dear Mr. Norbert:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100896.

The City of Corpus Christi (the "city") received a request for all documents "relating to the purchase and installation of the RESS security revolving door at the Corpus Christi Airport in 1981." You claim no exception to disclosure on behalf of the city. You state, however, that some of the requested information may implicate the proprietary rights of a third party, RESS International, Ltd. (RESS). Pursuant to section 552.305, you ask whether the city must release this information.

As the property and privacy rights of a third party are implicated by the release of the requested information, this office notified RESS of this request. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining that statutory predecessor to Gov't Code § 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in Open Records Act in certain circumstances). RESS did not respond to our notification by asserting that any portion of the requested materials is excepted from required public disclosure.

Neither the city or RESS has shown that the documents are excepted from disclosure. Open Records Decision Nos. 639 (1996) at 4 (to prevent disclosure of commercial or financial information, party must show by specific factual or evidentiary material, not conclusory or generalized allegations, that it actually faces competition and that substantial competitive injury would likely result from disclosure), 552 (1990) at 5 (party must establish a prima facie case that information is trade secret). Accordingly, the information must be released to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Don Ballard". The signature is written in a cursive, slightly slanted style.

Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/ch

Ref: ID# 100896

Enclosures: Submitted documents

cc: Mr. William A. Schochet  
Vice President - General Counsel  
Overhead Door Corporation  
P.O. Box 809046  
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(w/o enclosures)